

Matrícula Consular

Should Texas Recognize Mexican-Issued Identity Cards Held by Immigrants?

The question of whether Texas should recognize the Mexican *matrícula consular* card as proof of identity is being debated as more local and state governments, law enforcement agencies, banks, and private businesses throughout the United States are accepting the cards. The Mexican government issues the *matrícula consular* — Spanish for “consular registration” — to Mexican nationals living abroad, both legal and undocumented. In places that accept the card as legal identification, card holders use it to obtain driver’s licenses, open bank accounts, identify themselves to law enforcement officers, and more.

Since 1871, the Mexican government has issued the *matrícula consular* through its consular offices to Mexican nationals living abroad as a means of providing them official identification. Texas has 11 Mexican consular offices, six on the border with Mexico and five in other cities.

The *matrícula* card resembles a driver’s license (see Figure 1, page 4) and includes the holder’s name, photograph, U.S. address, and date of birth. To obtain a card, an applicant must apply in person at a consulate office and present an original Mexican

birth certificate, an official Mexican identification document that contains a photograph, and proof of a U.S. address, such as a lease or a utility bill.

The debate over the *matrícula consular* heated up after the September 11, 2001, terrorist attacks when government-issued photo identification became necessary for many commonplace activities, such as entering government buildings. The issue was raised in the 78th Texas Legislature through unsuccessful proposals in both the regular and special sessions in 2003 to require the Department of Public Safety (DPS) to accept “consular identity documents” as proof of identity for obtaining a Texas driver’s license.

In addition, the issue was debated when Mexican President Vicente Fox met with Gov. Rick Perry in Austin in November 2003. Fox supports acceptance of the card by Texas, while the governor objects based on questions about its security and reliability. The issue also has been raised during debate over President Bush’s recent proposal for a new temporary worker program.

Local and national *matrícula* card acceptance. Although the state of Texas does not accept the *matrícula* card as a valid form of identification, according to the Mexican consulate’s office in Austin, 13 other states do, including border states such as

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March Presidential Primaries Set Stage for Selection of National Delegates

Texas will choose delegates to this summer’s national political party conventions based on the results of presidential primary elections on March 9. Florida, Louisiana, and Mississippi also will hold presidential primaries that day.

Texas Republicans will apportion all of their national-convention delegates solely on the basis of the primary vote. Texas Democrats will use a hybrid selection system, apportioning their delegates based

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California and New Mexico. In addition, a number of cities and counties in Texas accept the matrícula consular (see Table 1, below), notably Dallas, where the city council voted unanimously in November 2003 to allow city agencies to recognize the card. Nationwide, some 350 cities, numerous counties, and just over 1,000 police departments accept the card as valid identification, according to the consulate's office.

In September 2003, the U.S. Treasury Department, reviewing the issue in light of stricter security standards imposed by the USA Patriot Act, decided to allow financial institutions to continue to accept the matrícula as a form of identification for persons opening bank accounts. Numerous financial institutions, including many that operate in Texas, accept the cards, according to the Office of the Mexican Consulate in Austin. These include Wells Fargo Bank, U.S. Bank, Lone Star National Bank, Bank of America, Citibank, and about 80 national banks in other states. Some in the U.S. Congress disapproved of the Treasury Department's decision and a proposal pending in a U.S. House subcommittee would declare the rules had no force or effect.

However, the trend toward acceptance is not universal. According to *The New York Times*, some states and city agencies, including Colorado and the New York City Police Department, specifically have barred acceptance of the card.

Proposals and debate

Proposals advocating state recognition of the matrícula card generally focus on requiring DPS to accept "consular identity" documents from driver's license applicants, who must prove their identity to obtain a license. This language appeared in HB 57 by Wise during the 2003 regular session, and in several similar bills introduced over the course of the three called sessions, none of which were enacted by the 78th Legislature. The House also rejected an amendment to HB 25, offered by Rep. Alonzo during the second called session, that would have required acceptance of foreign identity documents on the condition that issuing governments had in place "reasonable mechanisms" by which DPS could verify such documents. In 2001, Gov. Perry vetoed a related bill, HB 396 by Wise, which would have required DPS to accept as adequate identification birth certificates issued by other countries if accompanied by supporting documents.

Table 1
Local government entities in Texas that recognize the matrícula consular

Cities		Counties	Police departments
Austin	Harlingen	Bexar	Austin
Brownsville	Houston	Cameron	Dallas
Carrizo Springs	Laredo	El Paso	Eagle Pass
Crystal City	Pharr	Kennedy	El Paso
Dallas	Presidio	Maverick	Fort Worth
Eagle Pass	Roma	Willacy	Garland
El Paso	San Antonio		Houston
Garland	San Marcos		Laredo
Goliad	Selma		Presidio
			Temple

Source: Office of the Mexican Consulate, Austin

Debate over whether Texas should honor the matrícula consular centers on issues of identification, security and public safety, and immigration. Supporters of accepting the cards point to the benefits of non-citizens having adequate identification, while insisting that the cards would neither compromise national security nor change the legal status of undocumented immigrants. Opponents say Texas should not accept the cards as identification because they are prone to fraud and because acceptance could pose a threat to homeland security and public safety while legitimizing and encouraging illegal immigration.

Still others argue that Texas should not make any decisions regarding the matrícula card while the proposed White House policy on temporary guest workers is being debated. It is possible, they argue, that such a program could result in the U.S. government's issuing temporary worker cards to undocumented immigrant workers, in which case Texas should honor the U.S.-issued identification rather than the matrícula consular. Others counter that it could be some time — if ever — before such an identity card becomes available and some undocumented immigrants may be unable to obtain it in any case.

Supporters say:

Identification. Supporters of accepting the Mexican matrícula card as valid identification say Texas would benefit because the card would allow state agencies and officials to verify who lives here and where they live. It would be better for as many Texans as possible to have an acceptable, official identification card than to have a large segment of society unidentifiable. State acceptance of the Mexican matrícula card would fill the need for reliable identification of Mexican nationals who live in Texas and work hard to contribute to the economic activity of the state.

The matrícula card is a high quality, secure identification card that is as fraud-proof as many similar U.S. documents. The card was updated in March 2002 with 20 security features (see *New security features, right*) and is issued based on certified Mexican official documents. Older cards without the added security features are being phased out as cards are renewed every five years. In addition, a central database to track information across Mexican consular offices on cards issued is under development and should be ready by early this year. Fears of counterfeit documents

New security features

In March 2002, according to the Mexican consulate's office in Austin, the Mexican government began issuing a new matrícula consular with added security measures (see Figure 1, page 4).

Visible security features include printing the cards on green paper with the official Mexican seal rendered in a special pattern, printing a hologram, called the "advantage seal," over the photograph, and placing an infrared band on the back of the card. Invisible security features include printing the letters "SRE" on the front of the card so that they can be seen using a fluorescent lamp, and other printing that can be viewed only with a special decoder, which includes the holder's name and birthday diagonally over the picture on the front and the holder's name, the card's expiration date, and the name of the issuing office on the back.

About 1.3 million cards with these security features were issued nationwide from March 2002 to March 2003, according to the Mexican consulate's office.

should not force Texas to dismiss the usefulness of identity cards issued by other governments, especially since most identification cards — including Texas driver's licenses — can be forged. The authenticity of cards can be verified through any Mexican consulate.

Accepting the Mexican matrícula card would be a pragmatic decision that would help state government function better by facilitating immigrants' contacts with state agencies. For example, proper identification of persons would facilitate the collection of fees and fines from those living here, whether legal or undocumented.

Accepting the matrícula card could make Texas roads safer. It might encourage more undocumented immigrants, many of whom already drive on Texas roads, to obtain driver's licenses, which in turn would require those who own vehicles to carry auto insurance. Currently, driver's license applicants must produce some form of identification from a list of DPS-approved documents and a social security card or an affidavit saying that they have never

applied for or been issued a social security number. While undocumented immigrants today can sign the required affidavit, most do not have a form of acceptable identification, a situation that the matrícula consular would remedy.

Widespread acceptance of the matrícula card could help boost the Texas economy by encouraging more immigrants to use the traditional banking system. This also would make undocumented immigrants less vulnerable to the exploitation and victimization that can occur when they carry large amounts of cash instead of using a bank.

Accepting cards from other countries would not present a problem as long as reasonable steps were taken to ensure the authenticity and accuracy of the cards. Proposals to require DPS to accept the identity documents issued by other countries have included requirements that foreign governments have in place reasonable mechanisms by which DPS could verify the identity document.

Security and public safety.

Public safety and security are threatened, say supporters of accepting the matrícula card, when large groups within society have no means of valid identification. Domestic security would be enhanced if non-documented immigrants from neighboring, friendly Mexico could produce an official form of government-issued identification acceptable to the state of Texas. Accepting the matrícula card would not create a security risk or terrorist threat especially since immigrants who obtain the card most likely already are living and working in Texas.

In addition, restricting means of identification to those issued by U.S. governmental entities traditionally has not thwarted terrorists. Most of the September 11 terrorists

lived in the United States legally and carried government-issued identification. Further, American-born terrorists, such as Oklahoma City bomber Timothy McVeigh, generally have no trouble obtaining identification.

Accepting the Mexican matrícula card would enhance public safety by facilitating the ability of law enforcement officers to identify crime suspects, victims, and witnesses. If suspects cannot be identified, they sometimes are taken into custody, a time-consuming process that can take law enforcement officers away from more important duties. An

officer who believed a matrícula card was fraudulent could ask for additional identification or check the card's authenticity through the nearest Mexican consulate.

Immigration. Concerns that accepting the Mexican matrícula card would provide or promote amnesty for illegal immigrants are unfounded, supporters say, because the card has no effect on a person's immigration status and gives the card holder no immigration benefit. Card holders still would be subject to all immigration laws, and those here illegally could be arrested and deported. The card is not a passport, residency card, or work permit, and even if Texas accepted the card, employers still would be barred by federal law from hiring undocumented workers. Nor would acceptance of the matrícula card give card holders access to welfare or Medicaid. Whether or not Texas accepted the card as valid identification, immigrants—like everyone else—could continue to access health care through emergency rooms and other health

programs where proof of citizenship is not required.

Accepting the matrícula card for the identification necessary to obtain a Texas driver's license would not "reward" illegal immigrants. A driver's license is not proof of citizenship, and granting one should not be contingent on a

Figure 1
Sample matrícula consular card



The new matrícula consular card contains additional security features, including an infrared band on the back (below).



Image courtesy of the Office of the Mexican Consulate, Austin

person's immigration status. Enforcing immigration laws is a federal responsibility that DPS should not be involved with at driver's license bureaus.

State acceptance of the matrícula card would not encourage more immigration but would help those hard-working members of society who are here already. Illegal immigrants come to Texas for jobs, and recognition of the matrícula card is not a major factor in their decision to emigrate.

Opponents say:

Identification. Opponents of accepting the Mexican matrícula card say it is too susceptible to fraud to serve as a form of official identification in Texas. For one thing, the documents used to obtain the cards are not adequately checked for authenticity. Further, because there is no central database that keeps track of who has been issued cards by the various consular offices, a single person fraudulently could obtain multiple cards under different names. Even the newer matrícula cards that contain enhanced security measures can be forged and therefore are unreliable.

Requiring DPS and other state agencies to accept unreliable, non-secure forms of personal identification such as the matrícula consular could compromise the security of state databases. For example, because DPS would have no way to verify the documents on which the matrícula was based, the possibilities for fraudulent identification would increase. Driver's licenses have become a primary source of identification that are used to authenticate financial transactions such as banking and check writing. Basing the issuance of a license on the unreliable matrícula card could jeopardize the integrity of the driver's license as a reliable source of identification.

Texas should not make it easier for illegal immigrants to use the matrícula card to obtain state privileges such as the issuance of a driver's license. Granting driver's licenses to undocumented immigrants would not necessarily make Texas roads any safer because a driver's test examines only minimum skills and cannot ensure that the recipient of a license drives in a safe manner.

Accepting the Mexican matrícula consular could create pressure for Texas to recognize identification cards from other countries, even those that take no anti-fraud measures or those from which terrorists originate. It would be difficult and costly for Texas to establish procedures to verify identity cards issued by numerous countries.

Security and public safety. Requiring Texas state agencies to accept unreliable identification such as the matrícula card would compromise homeland security, say opponents. More persons moving about society with unreliable and possibly counterfeit identification would make it more difficult to assess threats. State acceptance of the matrícula card could encourage criminals and terrorists to obtain Texas driver's licenses, which might facilitate their ability to travel, conduct financial transactions, and make other arrangements to support criminal or terrorist activities.

State acceptance of the matrícula card as identification could shield from law enforcement the criminal activities of some undocumented immigrants, thus posing a risk to public safety. For example, a police officer who accepted the matrícula as proof of identity might be less likely to take an illegal immigrant into custody and collect fingerprints to run a more extensive check for criminal activity. In addition, it is too easy to obtain a matrícula consular under a false name, further obstructing the efforts of law enforcement officers to protect the public.

Immigration. Acceptance of the matrícula card would be a step in legitimizing and encouraging illegal immigration, opponents say, and would make immigration laws more difficult to enforce. While recognition of the card technically would not change a holder's legal status, it would confer a quasi-legal status that would strengthen as the cards gained wide acceptance and immigrants used them to obtain official documents such as driver's licenses and birth and death certificates. If the state accepts the card, other mainstream institutions may follow suit, facilitating the integration of illegal immigrants into society.

Only illegal immigrants have a need for the matrícula card. Legal residents have, or can obtain, official U.S. identification such as a driver's license. Texas should not extend this privilege through acceptance of the matrícula consular to immigrants who live here illegally.

— by Kellie Dworaczyk

(Delegates, from page 1)

partly on the primary vote and partly on a presidential preference “sign-in” poll of delegates at the state party convention in June.

The Texas Legislature in 1986 established a presidential primary to be held on the second Tuesday in March, along with the primary for other offices. The presidential-primary law is found in subchapter A of Election Code, ch. 191. A state political party must hold a presidential primary if its nominee for governor received at least 20 percent of the vote in the last election, its national party rules authorize a presidential primary, and the national party plans a national nominating convention during the election year. This year, only the Democratic and Republican parties are required to hold presidential primaries.

At least 75 percent of the Texas delegate seats, excluding those set aside for party and elected officials, must be apportioned on the basis of the March 9 primary vote. As required by law, the Democratic and Republican state executive committees have adopted rules for selecting delegates and apportioning them by presidential preference.

How Democrats will choose delegates

The Democratic National Convention will take place July 26-29 in Boston. As has been the practice since 1988, Texas Democrats will apportion delegates among the presidential candidates through a hybrid system, based partly on the preference of voters in the March 9 primary and partly on a presidential preference poll of delegates at the state party convention. Individual delegates to the national convention will be chosen at the state party convention June 18-19 in Houston.

Filing requirements. Presidential candidates appearing on the 2004 Democratic primary ballot had to pay a filing fee of \$2,500 or submit a petition signed by at least 5,000 registered voters. The signature of a person who signed more than one petition does not count. Ten candidates filed to appear on the March 9, 2004, ballot.

Number of delegates. Under national Democratic Party rules, Texas is entitled to 232 national-convention delegate votes out of a total of 4,321, plus 32 alternates.

Unpledged delegates. Of Texas’ 232 delegates, 37 will be party leaders and elected officials, known as “unpledged PLEOs.” These delegates — the members of the Democratic National Committee from Texas, the Democratic members of Congress from Texas, former U.S. House Speaker Jim Wright, and former Democratic National Committee Chairman Robert Strauss, plus three “add-on” delegates with long, recognized histories of party support chosen by the state convention — will be formally “unpledged,” although they may endorse and vote for any candidate.

Pledged delegates. Of the 195 Texas delegates who must be pledged to a particular presidential candidate, 25 will be party leaders and elected officials, called “pledged PLEOs,” chosen at the state convention. Delegates are selected from the following groups, listed in priority order: (1) Democratic mayors of cities with a population over 250,000, including those elected in a nonpartisan election, and the Democratic statewide leadership; (2) the state legislative leadership and Democratic state legislators; and (3) other state, county, and local Democratic elected officials and party leaders. No individual on the priority list is required to be selected as a pledged PLEO delegate.

Another 43 of the 195 pledged delegate slots will be filled at-large. These slots, plus the 25 reserved for pledged PLEOs, will be apportioned among the presidential candidates according to a presidential preference poll of state-convention delegates.

The remaining 127 pledged delegate slots will be apportioned to presidential candidates based on results of the March 9 primary in each of the 31 state senatorial districts. The Democrats do not apportion any delegates based on the statewide primary results.

The Texas “base” delegation totals 170 members, excluding the 37 unpledged PLEOs and 25 pledged PLEOs. Therefore, 75 percent of the base (127 of 170) will be apportioned on the basis of the March 9 primary vote, as required by state law, and 25 percent of the base (43 of 170) will be apportioned on the basis of the presidential preference poll of state-convention delegates. Counting the 25 pledged PLEOs, of the 195 total pledged delegates to be apportioned among the candidates, 65 percent will be apportioned based on the primary vote and 35 percent based on the state convention poll.

Summary of Presidential Delegate Selection Procedures

	Democrats	Republicans
Filing	\$2,500 or 5,000-signature petition	\$5,000 or 300-signature petition from at least 15 congressional districts
Delegate apportionment by primary vote	127 by Senate district vote; 15-percent vote threshold to get delegates	96 by congressional district vote, 39 by statewide vote; 20-percent vote threshold to get delegates; 50-percent winner-take-all
Delegate apportionment by convention "sign-in"	25 officials, 42 at large; 15-percent threshold to receive delegates	None
Unpledged ex officio delegates	37	Three
Delegate selection	Delegate filing Limited candidate veto District delegates selected by candidate's pledged delegates from each senatorial district at the state convention. At-large delegates selected by party committee.	No delegate filing No candidate veto District delegates selected by delegates from each congressional district at the state convention. At-large delegates selected by nominations committee.
Delegate pledge	Not formally binding	Bound for first two ballots. Released on third ballot if candidate receives less than 20 percent on second ballot. Unconditional release on fourth ballot.

Apportioning delegates by primary vote. The 127 delegates to be apportioned among the candidates based on the March 9 primary vote in each state senatorial district are allocated among the 31 districts according to a formula that takes into account each district's vote for the Gore/Lieberman ticket in the 2000 presidential election and for Democratic nominee Tony Sanchez in the 2002 gubernatorial election. The 127 slots are allocated as follows:

Two
Three each
Four each

Five each
Six each
Seven

District 31
 Districts 6, 7, 8, 9, 24, 28
 Districts 1, 2, 3, 4, 5, 11, 12, 15, 16, 17, 18, 19, 22, 25, 27, 29, 30
 Districts 10, 20, 21, 26
 Districts 14, 23
 District 13

Each district's delegates will be apportioned among presidential candidates who receive at least 15 percent of the primary vote in the district. If no candidate receives 15 percent of the district vote, the threshold for receiving delegates will be reduced to the percentage received by the district's plurality winner, minus 10 percentage points. For example, if the top vote-getter in a district receives 12 percent of the vote, the threshold for receiving delegates will be 2 percent.

Apportioning delegates by convention preference. At the state Democratic convention in June, delegates will be polled on their presidential preference. That poll will determine the apportionment among the candidates of the 43 at-large delegates and the 25 pledged PLEOs. A presidential candidate must receive at least 15 percent of the state-convention delegate "sign-in" vote to be apportioned any at-large or pledged PLEO delegates.

Selecting state-convention delegates. Both major parties choose delegates to their state conventions through a two-stage process — at precinct conventions held the night of March 9, then at county/district conventions held March 27. However, the two parties differ in that delegates to Democratic precinct and county/district conventions also declare their preference for a presidential candidate. These preference polls ultimately determine the delegates to the state convention, where a final preference poll will allocate a portion of the national-convention delegates among the presidential candidates.

At the precinct convention, anyone who voted in the Democratic primary may participate by signing in for a presidential candidate or as "uncommitted," an option that is not available on the primary ballot. In effect, Democratic primary voters may vote for their favored presidential candidate twice — in the primary and at the precinct convention.

Each precinct elects delegates to the county/district convention, with one delegate for each 25 votes the precinct cast for Democratic nominee Tony Sanchez in the 2002 gubernatorial election. The precinct's delegates to the county/district convention are apportioned among the candidates based on the preference poll. The 15-percent threshold does not apply at the precinct level. Any candidate preference group with enough sign-ins to receive at least

one delegate may caucus separately and elect its share of delegates to the county/district convention. If a group is too small to elect a delegate, individuals from that group may join another candidate's caucus, which may increase that candidate's share of the delegates to the county/district convention.

County/district conventions will be held Saturday, March 27. In counties containing more than one state senatorial district, district conventions are held. Delegates to the state convention are elected in two stages. First, each precinct elects one state-convention delegate for every 300 votes cast in the precinct for Tony Sanchez in the 2002 gubernatorial election. Precincts that cast fewer votes than the required threshold are grouped with other precincts to elect state-convention delegates. Each county receives one at-large delegate for every 300 votes cast for Tony Sanchez in the 2002 general election, with every county entitled to at least one delegate.

In the second stage, a presidential preference poll of county/district convention delegates is used to allocate among candidates the at-large delegates to the state convention. A candidate must exceed a 15-percent threshold to receive delegates. The convention nominations committee selects the at-large delegates. The total number of delegates chosen by precinct and at large should reflect each candidate's proportional share of the county/district convention preference poll.

Selecting national-convention delegates. The next step is selection at the state party convention of delegates to the national convention. Those desiring to be national-convention delegates must file their candidacy with the chair of the state Democratic Party in Austin between April 15 and May 21. Delegate candidates must pledge their support for a presidential candidate or declare themselves uncommitted.

By May 28, the state party will deliver to each presidential candidate a list of national-convention delegate candidates pledging their support. The presidential candidate must file with the state party a list of approved delegate candidates. The list must contain at least three times the number of delegates and alternates to which the candidate is entitled by the primary vote, equally divided between men and women as required by party rules. Failure to respond by

the June 7 deadline will mean that all of the filed delegate candidates pledged to the candidate will be presumed approved.

State-convention delegates who sign in for a candidate in the presidential preference poll will caucus by senatorial district and choose, from the approved list of national-convention delegate candidates, the delegates to which their candidate is entitled, based on the district's vote in the primary. (A total of 127 delegates and 21 alternates will be chosen by district based on the primary vote.) No more than half the delegates and alternates may be of the same sex.

After the unpledged PLEO delegates have been certified, the 25 pledged PLEO delegates and five alternates will be chosen. As noted earlier, delegate slots for these positions will be apportioned to the presidential candidates based on the state-convention presidential preference sign-in poll, with a 15-percent threshold required for a candidate to receive delegates. Candidates have the right to disapprove delegate candidates for these positions in the same manner as for other pledged delegates, except that they must approve at least twice as many declared PLEO delegate candidates as there are PLEO delegate slots to be filled and prospective PLEO delegates may file their candidacy at the state convention. The nominations committee of the state convention — 31 members chosen by each of the senatorial district caucuses and three members chosen by the state convention chair — will select these delegates.

Last to be chosen will be the pledged at-large delegates (43 delegates and six alternates). These delegates also will be apportioned based on the state-convention presidential preference sign-in poll, with a 15-percent threshold for receiving delegates. The nominations committee of the state convention will choose these delegates from among the delegate candidates pledged to each presidential candidate. Candidates may disapprove delegate candidates for these slots in the same manner as for other slots, except that they must approve at least twice as many at-large delegate candidates as at-large delegate slots to be filled. If a candidate withdraws before election of the at-large delegates, the number of delegates to which that candidate is entitled will be allocated proportionately among the remaining candidates entitled to delegates. The nominations committee also will choose the three unpledged at-large delegates.

The Texas delegation as a whole and delegates and alternates chosen at the district level must be divided equally between men and women. The at-large delegates and alternates are chosen last to allow the nominating committee to balance the number of men and women delegates and alternates in the delegation as a whole and to achieve affirmative-action goals for representing minorities. Based on the state's population and participation in primary and general elections, the Texas Democratic Party has set goals of 52 African-American delegates, 72 Hispanic delegates, one Asian-American delegate, and one Native American delegate. The party also is to give priority consideration to other groups historically underrepresented in party affairs, based on race/ethnicity, age, sexual orientation, and disability.

Delegate pledge. Delegates to the Democratic National Convention are not bound to vote at the convention for the candidate to whom they are pledged. The only requirement is that pledged delegates "shall in all good conscience reflect the sentiments of those who elected them."

How Republicans will choose delegates

The Republican National Convention will be held August 30-September 2 in New York City. All Texas delegates will be apportioned among the presidential candidates according to results of the March 9 primary, both statewide and in each of the 32 congressional districts. Since 1980, Texas Republicans have apportioned their national-convention delegates to presidential candidates by using a presidential primary established under party rules. Individual delegates to the national convention will be selected at the state party convention June 3-5 in San Antonio.

Filing requirements. Republican presidential candidates filed for the Texas primary by paying a \$5,000 filing fee or by submitting a petition signed by at least 300 registered voters from each of at least 15 of the 32 congressional districts. The signature of a voter that appears on more than one petition does not count.

Number of delegates. Texas will send 138 delegates out of a total of 2,509 to the Republican National Convention. Each of the 32 congressional districts is entitled to three delegates, a total of 96, and 39 delegates will be chosen at-large. One alternate will be chosen for each of the 135 pledged delegates. Also, three delegates — the two Texas members of the Republican National Committee and the state party chair — automatically are unpledged delegates due to their party positions.

Apportioning delegates by primary vote. Unlike the Democrats, Texas Republicans will apportion among the candidates all of their national-convention delegates based solely on the primary election results and also will include an “uncommitted” option on the presidential primary ballot.

Congressional district vote. In apportioning the three delegates from each of the 32 congressional districts, a presidential candidate who receives more than 50 percent of the district vote will receive all three delegate slots. A first-place candidate receiving less than a majority of the district vote but more than 20 percent will get two delegates, and the second-place candidate will get one delegate. However, if the second-place candidate receives less than 20 percent in the district, the first-place candidate will get all three delegates. If no candidate receives more than 20 percent of the district vote, the top three candidates each will receive one delegate.

Statewide vote. The 39 at-large delegate slots will be apportioned among the candidates based on the statewide primary vote. A candidate winning more than 50 percent of the statewide vote will get all 39 at-large delegates. If no candidate received a majority statewide, the at-large delegates will be apportioned among all candidates receiving more than 20 percent.

If no candidate receives more than 20 percent of the statewide vote, the 39 at-large delegates will be allocated proportionately to all candidates, starting with the top candidate and rounding all fractions upward. If candidates withdraw or die between primary election day and the state convention, uncommitted delegates and alternates are chosen in their place.

Unlike the Democrats, Texas Republicans apportion all of their national-convention delegates based solely on the primary election results.

For 2004, the calculation should be relatively simple with just two choices on the ballot: President George W. Bush, the only candidate who filed, and “Uncommitted.”

Delegate selection. As in the Democratic Party, but without a presidential preference sign-in poll, Republican primary voters may attend precinct conventions on the night of the March 9 primary to elect delegates to the county or senatorial district conventions to be held March 27. The county and district conventions, in turn, elect delegates to the state convention.

At the state convention, delegates from each congressional district will caucus and choose national-convention delegates and alternates from their districts pledged to each presidential candidate entitled to delegates based on the district’s primary vote. Election is by majority vote, with each delegate and alternate elected one at a time. The state convention must confirm the entire district delegation as a slate.

Each congressional district caucus also will elect one person to serve on the National Nominations Committee, which will select the at-large delegates and alternates. This committee will submit the at-large delegation to the convention for ratification, and only the entire delegation, not individual delegates, may be approved. If the state convention rejects the at-large delegation, the nominations committee will submit another delegation slate until the state convention approves it.

The Republican Party does not require equal numbers of men and women delegates and has no affirmative-action goals for minority representation. Party rules prohibit abridging participation in any caucus, meeting, or convention held to select delegates because of sex, age, race, religion, color, or national origin.

Delegate pledge. Presidential candidates have no direct say in the selection of individual delegates pledged to vote for them at the national convention. However, delegates who assent to their nomination pledge to vote for the candidate to whom they are pledged.

On the first ballot, Texas delegates and alternates may be released from their pledge to vote for a candidate at the national convention only upon the candidate's death, formal withdrawal, or agreement. On the second ballot, delegates may be released only by agreement of the candidate. Pledged delegates are released from their pledge on a third ballot if their candidate fails to receive at least 20 percent of the total votes cast on the second ballot or if their candidate agrees to release them. Delegates are released unconditionally beginning with the fourth ballot. Uncommitted delegates may vote however they choose.

Delegate selection by other parties

Under Election Code, ch. 181, a political party is entitled to have its nominees placed on the ballot if any of the party's nominees for statewide office received at least 5 percent of the vote. In 2002, the Libertarian and Green parties qualified for the ballot, but none of their statewide candidates received enough votes to meet the 5 percent threshold. As a result, they must seek to qualify again in order to list their candidates on the 2004 ballot.

To qualify their candidates, including those for president and vice president, for the November 2 general-election ballot, other parties must meet certain conditions. First, they had to register with the secretary of state by January 2. For the 2004 election, the Constitution, Green, Libertarian, Reform, and Veterans parties have filed for access to the ballot, according to the Secretary of State's Office.

If the parties meet other requirements under Election Code, chapters 161 and 181, such as establishing a state party executive committee and timely filing their party rules, they also must submit to the secretary of state a list of names of those participating in their precinct conventions on March 9 and of registered voters who did not vote in the primary or participate in the conventions of any other party and who signed a petition to get the party on the ballot. The combined number of precinct-convention participants and valid petition signers must equal at least 1 percent of all votes cast for all candidates for governor in the last general election. According to the Secretary of State's Office, the required number of names for 2004 is 45,540.

Parties may begin circulating petitions on March 10, the day after the precinct conventions. The filing deadline for parties to submit the required number of names to qualify for the 2004 general-election ballot is May 24, the 75th day after the March 9 precinct conventions. The Election Code does not specify the procedure for selecting national-convention delegates for other parties.

Independent and write-in candidates. Under Election Code, ch. 192, an independent candidate for president may qualify for the ballot by submitting a petition to the secretary of state with the valid signatures of registered voters equaling at least 1 percent of all votes cast for all candidates for president in Texas in the last election. According to the Secretary of State's Office, the number of signatures required for the 2004 election is 64,076. Those signing the petition cannot have voted in the 2004 primary of the Democratic or Republican parties.

Independent candidates may begin circulating their ballot-access petitions on March 10, the day after the primary election, and must submit them to the secretary of state by May 13. Unlike independent candidates for other offices, independent candidates for president are not required to file a declaration of intent for their candidacy by the January 2 filing deadline. Anyone whose name appeared on the presidential primary ballot of a party holding a primary (this year, the Democratic or Republican parties) is disqualified from appearing on the general-election ballot as an independent. Independent candidates also must submit a list of the names and addresses of 34 presidential electors and statements from the vice-presidential candidate and the electors that they consent to be candidates.

Under Election Code, ch. 192, write-in candidates for president must file their candidacy with the secretary of state, beginning August 4 and no later than September 3, in order for votes for the candidate to be counted. They also must file the names and addresses of 34 electors and statements from the vice-presidential candidate and the electors that they consent to be candidates.

HOUSE RESEARCH ORGANIZATION



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G.E. "Buddy" West
Steve Wolens

John H. Reagan
Building
Room 420
P.O. Box 2910
Austin, Texas 78768-2910

(512) 463-0752
FAX (512) 463-1962

www.capitol.state.tx.us/hrofr/hrofr.htm

Staff:

Tom Whatley, *Director*; Ben Davis, *Editor*;
Rita Barr, *Office Manager/Analyst*; Kellie Dworaczyk,
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